

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

PUBLIC NOTICE OF INTENT TO MODIFY A WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT No. WI-0061794-04-1

Permittee: B&D Dairy Farm LLC, 4304 N 5th Road, Pound, WI 54161

Facility Where Discharge Occurs: B&D Dairy Farm LLC, 4304 N 5th Road, Pound, WI 54161

Receiving Water and Location: Groundwater and Surface Waters of the Little Peshtigo River, Lower Peshtigo River, Little River, and Middle Peshtigo River and Thunder River Watersheds, Lake Michigan Basin

Brief Facility Description : B&D Dairy is an existing concentrated animal feeding operation (CAFO). B&D Dairy is owned and operated by Brian Lepianka. As of September 2019, it has 9,943 animal units and is proposing to expand to 12,210 animal units by May 30, 2024. The current herd produces approximately 54,980,496 gallons of manure and process wastewater each year. B&D Dairy has 239.8 days of liquid manure storage, which is greater than the required minimum of 180. B&D Dairy has a total of 7,435.1 acres available for land application of manure and process wastewater. Of this acreage, 2,085.7 acres are owned and 5,349.4 acres are rented or controlled through contracts. Of the total acreage, 7,376.2 are spreadable acres able to receive manure and process wastewater. Schedules are included in the permit for development of a groundwater monitoring system and engineering evaluations of existing reviewable facilities.

The following permit sections are proposed for modification:

Due dates included in Section 3.7 Feed Storage Runoff Controls – Engineering Evaluation

- Due date for plans and specifications extended from March 31, 2020 to July 31, 2020
- Due date for corrections and post construction documentation extended from June 30, 2021 to September 30, 2021

Due dates included in Section 3.8 Runoff Control System – Engineering Evaluation

- Due date for plans and specifications extended from March 31, 2020 to July 31, 2020
- Due date for corrections and post construction documentation extended from June 30, 2021 to September 30, 2021

Due dates in Section 3.10 Manure Storage Facility – Engineering Evaluation 2

- Due date for Written report extended from December 31, 2019 to December 31, 2020
- Due date for Plans and specifications extended from March 31, 2020 to June 30, 2021
- Due date for Corrections and post construction documentation extended from June 30, 2021 to June 30, 2022

Due dates in Section 5 Summary of Reports Due

- Modified to reflect modifications of sections 3.7, 3.8, and 3.10 described above

The Department has tentatively decided that the above specified WPDES permit should be modified. Persons wishing to comment on or object to the proposed permit action, or to request a public hearing, may write to the Department of Natural Resources at the below named permit drafter's address. **Only modified conditions of permit are available for comment.** In this case, the modified conditions are the due dates referenced above. All comments or suggestions received no later than 30 days after the publication date of this public notice will be considered along with other information on file in making a final decision regarding the permit. Anyone providing comments in response to this public notice will receive a notification of the Department's final decision when the permit is issued. Where designated as a reviewable surface water discharge permit, the U.S. Environmental Protection Agency is allowed up to 90 days to submit comments or objections regarding this permit determination. If no comments are received on the proposed permit action from anyone, including U.S. EPA, the permit will be issued as proposed.

Permit Drafter's Name, Address, Phone and Email: Ben Uvaas, Oshkosh Service Center, 625 E. Cty Rd Y, Oshkosh, WI, 54901, (920) 273-5543, Benjamin.Uvaas@wisconsin.gov

The Department may schedule a public informational hearing if requested by any person and shall schedule a public informational hearing if a petition requesting a hearing is received from 5 or more persons or if response to this notice indicates significant public interest pursuant to s. 283.49, Stats. Requests for a public informational hearing shall state the following: the name and address of the person(s) requesting the hearing; the interest in the proposed permit of the person(s) requesting the hearing; the reasons for the request; and the issues proposed to be considered at the hearing.

Information on file for this permit action, including the draft permit, permit fact sheet, and permit application, may be inspected and copied at the above named permit drafter's office Monday through Friday (except holidays), between 9:00 a.m. and 3:30 p.m. Please contact the permit drafter for directions to their office location, if necessary. Information on this permit action may also be obtained by calling the permit drafter at (920)-273-5543 or by writing to the Department. Reasonable costs (usually 20 cents per page copied) will be charged for copies of information in the file other than the public notice, permit and fact sheet. Permit information is also available on the internet at: <http://dnr.wi.gov/topic/wastewater/PublicNotices.html>. Pursuant to the Americans with Disabilities Act, reasonable accommodation, including the provision of informational material in an alternative format, will be made to qualified individuals upon request.

NAME OF PUBLISHING NEWSPAPER: Eagle Herald

ADDRESS OF PUBLISHING NEWSPAPER: 1809 Dunlap Ave. , PO Box 77, Marinette, WI 54143-0077

Date Notice Issued: Monday, October 21, 2019